

EXHIBIT 12

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

**TRINITY LUTHERAN CHURCH OF)
COLUMBIA, MO, INC.)**

Plaintiff,)

v.)

Case No. 2:13-cv-04022-NKL

**CAROL S. COMER, in her official)
Capacity as Director of the Missouri)
Department of Natural Resources Solid)
Waste Management Program, State of)
Missouri,)**

Defendant.)

**DECLARATION OF MICHAEL K. WHITEHEAD IN SUPPORT OF
PLAINTIFF'S MOTION FOR ATTORNEYS FEES AND COSTS**

Michael K. Whitehead, under penalty of perjury, makes the following declaration under 28 U.S.C. § 1746, in support of Plaintiff's Motion for Attorneys' Fees and Costs pursuant to 42 U.S.C. § 1988:

1. I am filing this declaration to demonstrate the reasonableness of my hourly rate and the total amount of compensable time and costs that I incurred in this case.
2. I am local counsel and co-counsel for Trinity Lutheran Church of Columbia, MO, Inc., and worked on all aspects of this litigation before the district court, the Eighth Circuit Court of Appeals, and the United States Supreme Court. I engaged in research, drafting and reviewing of the original complaint and other pleadings and briefs; reviewing, analyzing, and responding to pleadings and briefs filed by the defense; reviewing and evaluating numerous *amicus curiae*

briefs filed in the case, and incorporating arguments or responses thereto into Plaintiff's briefing and preparation; preparing for and participating in moot courts to prepare for arguments; meeting with clients in preparation for various aspects of the case; and communicating with the client, co-counsel, opposing counsel, court personnel, and the media. I participated in all phases of the case before the United States Supreme Court and was present as co-counsel at the oral argument on April 19, 2017.

Background

3. I am a 1975 graduate of Missouri Law School, Columbia, Missouri and, since 1975, have been a Member of the Bar of the Supreme Court of Missouri. I have practiced law for over forty years including substantial litigation work in the areas of religious freedom, freedom of expression, and civil rights. I have practiced in both federal and state courts in Missouri, Kansas and other states. For the bars and courts in which I have been admitted, I am a member in good standing and there are no grievance proceedings or any other disciplinary actions pending against me. In addition, I have never been held in contempt of court, censured, suspended, or disbarred by any court. I am a Martindale-Hubbell AV rated attorney.

4. I am a Member of the Bar of the United States District Court of the Western District of Missouri in 1975; the Bar of the U.S. District Court of Kansas; and the Bar of the Eighth Circuit Court of Appeals.

5. I was admitted to the Bar of the United States Supreme Court in 1981. I first appeared before the U.S. Supreme Court in 1981 as co-counsel in the case of *Widmar v. Vincent*, 454 U.S. 263 (1981). The case addressed constitutional issues including Free Exercise, Free Speech, and the Missouri Constitution's "no aid" clause, sometimes called a "Blaine Amendment." Lead counsel was my former law partner, James M. Smart, Jr. See also *Bender v. Williamsport*.

6. I currently practice as Whitehead Law Firm, LLC, (WLF) with offices at 229 SE Douglas Street, Suite 210, Lee's Summit, MO. I have shared space and services for a number of years with the firm of Dollar Burns and Becker, LC, at 1100 Main Street, Suite 2600, Kansas City, Missouri. I am the sole owner of WLF, but often cooperate in legal cases with my son, Jonathan R. Whitehead, who is also an attorney, practicing as Law Offices of Jonathan R. Whitehead, LLC, at 229 SE Douglas Street, Suite 210, Lee's Summit, MO.

7. Since 1990, I have served as legal counsel for national and state denominational organizations including the Southern Baptist Convention ("SBC"). SBC is America's largest non-Catholic Christian denomination, with over 16 million members in over 50,000 autonomous local churches and church-type missions. I was general counsel of the Ethics and Religious Liberty Commission, the SBC's religious liberty and public policy agency in Washington, D.C., from 1990 to 1995. I was general counsel and executive vice president of Midwestern Baptist Theological Seminary in Kansas City from 1995 to 2001, serving as interim president near the end of this term. Since 2001 I have been outside legal counsel for the Missouri Baptist Convention, the state denomination of Southern Baptist churches in Missouri.

8. I have been lead counsel for the Plaintiff Convention in extensive litigation in the state courts involving the unlawful breakaway of several subsidiary corporations with assets totaling nearly a quarter of a billion dollars, in an action initially filed in Cole County, Mo, on August 13, 2002, as Case No. 02 CV 325096-02. Plaintiff has largely prevailed in these consolidated cases, as reported at *Executive Bd. of Missouri Bapt. v. Carnahan*, 170 S.W.3d 437 (Mo, 2005); and *Exec. Bd. of the Mo. Baptist Convention v. Mo. Baptist Foundation*, 497 S.W.3d 785 (Mo. App., 2016). Final portions of the case are currently on appeal in the Missouri Court of Appeals in Kansas City, as Case No. WD81192.

9. In addition to the case at bar, I have served as lead or co-counsel in numerous cases involving the application of Missouri law to religious organizations, including *Heartland Presbytery v. Gashland Presbyterian Church*, 364 S.W.3d 575, 577 (Mo.App.W.D. 2012) (neutral principles applicable to religious property issues); *Exec. Bd. of Missouri Baptist Convention v. Carnahan*, 170 S.W.3d 437, 441 (Mo. Ct. App. 2005); *Exec. Bd. of Missouri Baptist Convention v. Windermere Baptist Conference Ctr.*, 280 S.W.3d 678, 683 (Mo. Ct. App. 2009); *Exec. Bd. of Missouri Baptist Convention v. Missouri Baptist Found.*, 380 S.W.3d 599, 601 (Mo. Ct. App. 2012); *Exec. Bd. of the Missouri Baptist Convention v. Missouri Baptist Found.*, 497 S.W.3d 785, 788 (Mo. Ct. App. 2016), *as corrected* (June 2, 2016), *reh'g and/or transfer denied* (July 5, 2016), *transfer denied* (Sept. 20, 2016). Other cases in which I have been involved as trial counsel or filing amicus curiae briefs are listed on Attachment 1 hereto.

10. I have published dozens of articles in denominational press and other media publications, including law school journals. *See Do Students Have a Prayer After Lee. v. Weisman?* 6 U. Fla Jour. of Law and Pub Pol 231, Spring 1994.

Reasonableness of Rate

11. In January 2013, Whitehead Law Firm, LLC (WLF) agreed to provide local counsel services to Trinity Lutheran Church of Columbia, Missouri, Inc., in cooperation with Alliance Defending Freedom. We entered into an agreement with ADF. If our client prevailed, WLF would join in a motion for attorney's fees and costs under 42 U.S.C. § 1988. Pursuant to this arrangement, I recorded time and expenses in the firm time and billing system, called "Sage Timeslips." It records time and costs, and computes fees based on a separate hourly rate assigned to each attorney and paralegal. The Timeslips billing report is attached to this declaration as Attachment 1. My timeslips bear the initials MKW.

12. I also asked attorney Jonathan Whitehead to serve as co-counsel and to assist me in handling duties of the case. Jonathan is my son. He maintained his own timeslips and is submitting his own declaration. He bills at a lower hourly rate than I, and therefore it was reasonable to have him perform some of the functions which he could do more efficiently.

13. WLF has used the services of Cynthia Fisher as a legal assistant and paralegal since 2002. Mrs. Fisher has been employed as a legal assistant and paralegal for the law firm of Dollar Burns and Becker, LC, ("DBB") in Kansas City, MO, since 2002. DBB provided Mrs. Fisher's services to WLF as part of a services sharing agreement. WLF has kept track of her time in Timeslips and it is reported in the attached report. Her timeslips bear the initials CF.

14. For the period of 2013 through 2017, my standard billing rate was in the range between \$250 to \$370.00 per hour. This rate is consistent with the prevailing market rate in the Kansas City area, where many attorneys of my experience would bill in excess of \$500.00 per hour to litigate a complex case, and would not do so without a guaranteed fee. Thus, the rate is reasonable in comparison to amounts approved for experienced counsel in the Western District by the Supreme Court of Missouri (see *Berry v. Volkswagen Grp. of Am., Inc.*, 397 S.W.3d 425, 429 (Mo. 2013), and consistent with surveys of similar work, such as Missouri Lawyers' Weekly's annual report on billing rates. It is well below rates recently approved as reasonable by this Court in matters involving the civil rights of prisoners; see *Washington v. Denney*, No. 2:14-CV-06118-NKL, 2017 WL 4399566, at *3 (W.D. Mo. Oct. 3, 2017), especially given this Court's recognition that attorneys willing to undertake important work without a guaranteed fee should be compensated for such risk. See *Clark v. Gen. Motors, LLC*, 161 F. Supp. 3d 752, 768–69 (W.D. Mo. 2015).

15. My responsibilities in this case included supervising the work performed by me, including its quality and the quantity of time expended for any given service. I review all time records before submission, and make judgments on a regular basis regarding time spent that is reasonable and necessary for legal services performed on behalf of my clients.

16. I have reviewed the time records for services performed and submitted by me in this matter. All of the time recorded was reasonably and necessarily spent in representing the Plaintiff in this matter. All of the time submitted is at standard rates for litigation clients, based on market rates for attorneys and paralegals of similar experience in the pertinent market of Kansas City and mid-Missouri.

17. The concurrently filed itemized statement sets forth my task-based time based upon contemporaneous time records kept via the timekeeping function on in-house software. I exercised my billing judgment by reducing duplicative, administrative, or otherwise unreasonable time expenditures, using the standard rate of \$370 per hour.

18. I have recorded my travel time to Columbia, MO, and to Washington DC. The timeslips contain the total hours in the description, but I have reduced the total number of hours billed for travel by at least 25% even though I was able to perform some legal work during air travel.

19. Further, some of my work on this matter has involved responding to local media requests and coordinating client response to such matters. In my billing judgment, I have submitted my time for such activities in the description, but have reduced the hours billed to about 25% of the actual time spent because such work was not directly related to the preparation or presentation of the Plaintiff's case to any court.

20. A true and accurate copy of the WLF billing statement for this case is attached as Attachment 2. This statement reports time and expenses from January 1, 2013 to January 22,

2018. I exercised billing judgment by reducing duplicative, administrative, or otherwise unreasonable time expenditures. These reductions are individually documented in the itemized statement.

21. Costs are itemized on the billing statement, and are of a kind and amount normally incurred in the course of litigated matters similar to the Trinity Lutheran matter. The costs are actual out-of-pocket expenses. All of these costs were reasonably and necessarily incurred in representing the Plaintiff in this matter.

22. By working on Trinity Lutheran Church's case, I was precluded from working on other matters or taking on other representation that I might otherwise have been able to take on. As a solo practitioner working in cooperation with my son, this is a particularly important factor in assessing the reasonability of my rates.

23. This case would have been undesirable for most attorneys to undertake because it lacked a guaranteed fee. This factor is also made more important by the fact I am a solo practitioner.

24. Few attorneys practice First Amendment constitutional litigation, and fewer practice constitutional litigation on behalf of plaintiffs against governmental entities. The intent of Congress when it authorized attorney's fees and costs under 42 U.S.C. § 1988 was to permit plaintiffs to bring constitutional claims against governmental entities and also to ensure that the cost of litigation on behalf of plaintiffs seeking to vindicate their constitutional rights would not serve as a barrier to bringing such actions. Trinity Lutheran Church would not have been able to bring this case without the prospect of reasonable attorney's fees and costs being awarded.

25. The total time I have submitted on this case is 77.10 hours, which reflects my billing judgment as indicated above. At a billing rate of \$370.00 per hour, this results in a current amount of \$28,527.00 that may properly be claimed against Defendant. I have reported 2.75

hours for my paralegal Cynthia Fisher, billed at \$100, for a total of \$275.00. Hence, the total fee claim for WLF is \$28,802.00

26. In addition, I incurred \$1099.34 in necessary travel and lodging related to the preparation and presentation of this case, for a total request for my fees and expenses of \$29,901.34. I believe that the rates and amounts are reasonable in this case.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Further affiant sayeth not.

Executed this 1st day of June, 2018, at Lee's Summit, Missouri.



Michael K. Whitehead
WHITEHEAD LAW FIRM LLC
Missouri Bar No. 24997
ATTORNEY FOR PLAINTIFF
229 SE Douglas Street, Suite 210
Lee's Summit, Missouri 64063
Telephone: 816.398.8967
Fax: 816.875.3291
Email: Mike@TheWhiteheadFirm.com

ATTACHMENT 1: REPORTED CASES

Victory Through Jesus Sports Ministries Foundation and Goran Hunjack v. City of Overland Park, Kansas, Case 2:12-cv-02534-KGG, United States District Court of Kansas. Equal access to public sidewalks at public sports facility. Final Judgment entered 5-5-2014.
<https://tinyurl.com/ybwu47wj>

Church Mutual Insurance Company v. The Executive Board of the Missouri Baptist Convention. (U.S. District Court, WD, MO., Case No.03-4224-CV-W-SOW, 2005) Insurer refused to provide liability coverage and sued Baptists in federal court. WLF obtained summary judgment in favor of Baptists and obtained settlement for damages on bad faith / breach of policy counterclaim. Final order entered 06-24-2005

Heartland Presbytery, et al., v. Gashland Presbyterian Church, 364 S.W.3d 575 (CA, WD, 2012). PC/USA denomination could not unilaterally declare trust over real property of local congregation, via national trust clause, in face of corporate Articles which vested title in the local corporation.

Missourians Against Human Cloning, et al., v. Carnahan, et al. 190 S.W.3d 451 (Mo. App. WD, 2006) Missouri Baptist Convention intervened as plaintiff in lawsuit challenging Secretary of State for misleading ballot title on initiative measure to protect embryonic stem cell research. Court ultimately upheld Secretary's discretion to draft the ballot summary.

Cures Without Cloning v. Pund, 259 S.W. 3d 76, (CA, WD, 2008) upholding trial court's finding that Secretary of State's ballot title was insufficient and unfair, and re-writing the same to be fair.

Bender v. Williamsport School Dist, 475 U.S. 534 (1986) Individual school board member lacked standing to appeal trial court decision upholding the right of "equal access" for public high school students to use school room for religious meetings during extra-curricular time. (Case pre-dated federal Equal Access Act, 1985)

Kates v. Universal Underwriters Insurance Co., Chad Franklin Suzuki, et al. 348 S.W. 3d 115. (Mo CA WD, 2011) Equitable garnishment action against insurer after arbitration award against automobile dealer for negligent misrepresentation and damage to credit rating. Award plus interest was over \$300,000.

Bradshaw, et al. v. Deming and Cathedral Square Corporation, et al. 837 S.W.2d 592 (Mo App. WD, 1992) Breach of fiduciary duty case. Elderly woman gave power of attorney to priest, who was also CEO in charge of her retirement apartment. When woman broke her hip, priest used DPA to withdraw artificial food and water. Priest used financial power to make gifts to himself before and after her death. Appeals court upheld verdict for actual and punitive damages against priest and church corporation.

AMICUS CURIAE BRIEFS

Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission, Docket No. 16-111, argued December 5, 2017. Can state government compel cake artist to make custom wedding cake celebrating same sex marriage in violation of religious conscience? WLF represented SBC Ethics and Religious Liberty Comm'n, Missouri Baptist Convention Christian Life Commission, American Association of Christian Schools, and several other ministry organizations. <https://tinyurl.com/yb5tw6gc>

Town of Greece, NY v. Galloway, et al., 572 U.S. ____ (2014), Court upheld clergy-led prayer at town council meetings. Filed brief for SBC ERLC.

Whole Woman Health Clinic v. Hellerstadt, S.C. Case no. 15-274 579 U.S. ____ (2016). Texas laws regulating health standards for abortionists and clinics. Filed brief for Missouri Baptist Convention .

Rev. Clyde Reed v. Town of Gilbert, AZ., 135 S. Ct. 2218 (2015) Court unanimously struck down a sign ordinance that discriminated against church signs. Filed brief for Missouri Baptist Convention.

Lawson, et al. v. Kelly, et al., 58 F. Supp. 3d 923 (8 Cir., 2014) Amicus brief filed on behalf of Mo. Speaker of House and Senate President in support of Mo. Constitutional Amendment defining marriage as one man-one woman. Appeal dismissed prior to *Obergefell v. Hodges*.

Christians v. Crystal Evangelical Free Church, 82 F.3d 1407, (8 Cir, 1996) vacated and remanded by U.S. Supreme Court, 521 U.S. 1114 (1997). Cert den. 525 U.S. 811 (1998) Bankruptcy trustee tried to compel church to refund tithes of a member-debtor, declaring the gifts to be constructive fraudulent conveyance prior to filing bankruptcy. Eighth circuit upheld religious liberty protection for the gift. Congress passed amendment to Bky Code to protect religious donations. Filed amicus brief on behalf of SBC, along with Christian Legal Society and National Association of Evangelicals.

Lamb's Chapel v. Center Moriches Union Free Sch. Dist., 508 U.S. 384, 113 S. Ct. 2141 (1993) Rental of school facility by church group not a violation of Establishment Clause, and equal access for religious groups is required, without content discrimination.

Lee v. Weisman, 505 U.S. 577 (1992), Court bans principal-directed, clergy-led prayer at public high school graduation service. Filed brief for SBC.

Madsen, et al., v. Women's Health Center, Inc., et al., 512 U.S. 753 (1994) Pro-life protestors won limitation of an injunction creating a 300 foot no-approach zone around abortion clinic--and particularly its consent requirement--burdens more speech than is necessary to accomplish the goals of preventing intimidation and ensuring access to the clinic.

Planned Parenthood of Southeastern Pennsylvania v. Casey, 505 U.S. 833 (1992), Supreme Court upheld right to abortion based on autonomy of woman's choice. Filed amicus brief for SBC, in cooperation with U.S. Catholic Conference.

Rosenberger v. University of Virginia, 515 U.S.819 (1995) Court upheld student's right to equal access to university activity fees to fund student newspaper, even though it contained religious content.

Rust v. Sullivan, 500 U.S. 173 (1991) Court upheld right of state to impose regulations on abortion providers, including requirements to give prescribed informed consent. Government can dictate the required speech of its agents in furtherance of government policy.

Whitehead Law Firm LLC

Michael K. Whitehead
229 SE Douglas St., Ste 210
Lee's Summit, MO 64063-2301

January 25, 2018

Trinity Lutheran Church of Columbia,
MO, Inc
c/o Alliance Defending Freedom
15100 N. 90th Street
Scottsdale, AZ 85260

Re: Trinity Lutheran v. Missouri DNR

Dear Trinity Lutheran Church of
Columbia, MO, Inc:

Enclosed is invoice 12282, which covers services from 1/1/2013 to 1/20/2018. This invoice, dated 1/25/2018, is for \$29901.34. Your total balance, including past charges, is \$29901.34. Prompt payment of your total balance is appreciated.

Billing Summary

Total for services rendered	\$28,802.00
Total expenses	\$1,099.34
Total interest and finance charges	\$0.00
Total payments and other transactions	\$0.00
Total previous balance	\$0.00
Balance Due	\$29,901.34

Thank you for your confidence in our work and our commitment to serving you.

If you have questions, please call us at 816-398-8967.

Sincerely,



Enclosure

ATTACHMENT 2

Invoice submitted to:
 Trinity Lutheran Church of Columbia, MO, Inc
 c/o Alliance Defending Freedom
 15100 N. 90th Street
 Scottsdale, AZ 85260

January 25, 2018

In Reference To: Trinity Lutheran v. Missouri DNR

Invoice #12282

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
	<u>MKW</u>		
1/15/2013	MKW Email from ADF asking WLF to serve as local counsel. Receive proposed COMPLAINT. Read complaint and research issue. Attention to filing of complaint.	1.50 370.00/hr	555.00
1/25/2013	MO DNR MKW Attention to docket to confirm proper filing of COMPLAINT a Email from Sara Henning, ADF, re filing and service of process; need to deliver summons to court clerk.	0.30 370.00/hr	111.00
1/28/2013	MO DNR MKW On reviewing docket re magistrate assignment, and reassignment to district judge, Judge Laughrey. : Notice of EAP assignment to Judge Whitworth. # (1) EAP General Order) Contact co-counsel to discuss assignment of judge and EAP process. Attention to file.	0.60 370.00/hr	222.00
1/30/2013	MO DNR MKW On reviewing docket re ORDER ON PRETRIAL PROCEDURES Coordinate with paralegal and co-counsel to discuss process and calendar. Confirm Erik Stanley is approved as pro haec.	0.30 370.00/hr	111.00
2/19/2013	MO DNR MKW Review of docket showing service complete on 1/28/2013, answer due 2/19/2013. Receive and review copy of MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Suggestions in Support filed by MO AG. Consult with co-counsel about motion.	0.50 370.00/hr	185.00
3/4/2013	MO DNR MKW Review MOTION for extension of time to file response as to MOTION TO DISMISS and SIS. .	0.10 370.00/hr	37.00
	MO DNR		

		<u>Hrs/Rate</u>	<u>Amount</u>
3/6/2013	MKW Review ORDER granting Plaintiff's unopposed motion for extension of time to respond re: Defendant's motion to dismiss. Plaintiff's response due March 22, 2013. Contact co-counsel. Attention to filing.	0.20 370.00/hr	74.00
3/19/2013	MO DNR MKW On review of docket to confirm that Plfs response to MOTION TO DISMISS is now due on or before April 5, 2013. Attention to file and calendar.	0.30 370.00/hr	111.00
3/22/2013	MO DNR MKW Email from court clerk re assignment to EAP program.	0.10 370.00/hr	37.00
3/28/2013	MO DNR MKW Attention to docket re filing Rule 26 initial disclosures for plaintiff. Review hard copy of Bates No. documents served by Plf, 115 pages. Email from MO AG with its Rule 26 disclosures. Documents to follow.	0.80 370.00/hr	296.00
4/1/2013	MO DNR MKW Email from MO AG re mediation dates available. Contact co-counsel to discuss offer and calendar options.	0.20 370.00/hr	74.00
4/4/2013	MO DNR MKW Review SCHEDULING ORDER. Discovery due by 10/4/2013. Dispositive Motions due by 10/25/2013. Attention to file and calendar.	0.20 370.00/hr	74.00
4/5/2013	MO DNR MKW Review and attention to filing SUGGESTIONS in opposition re [9] MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Suggestions in Support filed on behalf of Plaintiff. Reply suggestions due by 4/22/2013 unless otherwise directed by the court	0.40 370.00/hr	148.00
4/18/2013	MO DNR MKW Receive and review state's MOTION for extension of time to file response to our Suggestions in Opposition to Motion to Dismiss,	0.10 370.00/hr	37.00
4/29/2013	MO DNR MKW Review state's MOTION for extension of time to file response/reply as to [20] Suggestions in Opposition to Motion, Unopposed. ORDER entered by Judge Nanette Laughrey granting Defendant's unopposed motion for extension of time. Consult with co-counsel.	0.30 370.00/hr	111.00
5/16/2013	MO DNR MKW Receive and review ORDER granting Defendant's motion for extension of time to respond to our SIO to MTD. Consult with co-counsel.	0.20 370.00/hr	74.00
5/30/2013	MO DNR MKW Receive and review state's new extension of time to file reply as to our SIO to MTD.	0.20 370.00/hr	74.00
	MO DNR		

		<u>Hrs/Rate</u>	<u>Amount</u>
6/3/2013 MKW	Receive and review ORDER granting Defendant's extension to June 10, 2013 to respond to our SIO to MTD. "No further extensions will be granted absent extraordinary circumstances." Consult co-counsel. Attention to file.	0.20 370.00/hr	74.00
9/3/2013 MKW	MO DNR Review ORDER SETTING ORAL ARGUMENT. Oral Argument is set for 9/17/2013, at 10:00 AM, before Judge Laughrey, regarding Defendant's pending motion to dismiss. Consult co-counsel about calendar and preparation.	0.30 370.00/hr	111.00
9/6/2013 MKW	MO DNR Email from Fran Smith, judge's clerk, to set up phone conference. Email from co-counsel re live hearing setting. Review AMENDED ORDER SETTING ORAL ARGUMENT for 9/17/2013, by phone. RESET for 9/19/2013, at 11:00 AM, in District Courtroom 4A, Jefferson City. Consult co-counsel. Calendar and staffing.	0.20 370.00/hr	74.00
9/18/2013 MKW	MO DNR Consult co-counsel about upcoming hearing. Attention to filing Supplemental Authority by Trinity Lutheran Church of Columbia, Inc. re Reply Suggestions to Motion, See Exhibit re: Colorado Christian University v. Weaver.	0.20 370.00/hr	74.00
9/19/2013 MKW	MO DNR ORAL ARGUMENT held before Judge Laughrey: See docket. Consult co-counsel. to evaluate hearing arguments.	0.20 370.00/hr	74.00
9/20/2013 MKW	MO DNR Review NOTICE to take deposition of Phil Glenn, TLC representative. Consult co-counsel.	0.30 370.00/hr	111.00
9/26/2013 MKW	MO DNR Receive and review ORDER entered by Judge Laughrey granting Defendant Pauley's motion to dismiss with prejudice. Consult co-counsel.	0.60 370.00/hr	222.00
9/27/2013 MKW	MO DNR Receive and review clerk's judgment re judge's dismissal.	0.10 370.00/hr	37.00
10/23/2013 MKW	MO DNR Receive and review draft of Motion to Reconsider. Review and file SIS of Motion to Reconsider and Motion for Leave to filed first Amended Complaint. Review draft of First Amended Complaint to be appended to motion. Review other attachments. Consult with counsel.	1.50 370.00/hr	555.00
11/12/2013 MKW	MO DNR Review Judgment entered by Judge Laughrey. Receive and review defense SIO to our MOTION for reconsideration. Consult with co-counsel	1.80 370.00/hr	666.00
	MO DNR		

		<u>Hrs/Rate</u>	<u>Amount</u>
12/2/2013	MKW Review and work on drafting and revising of REPLY IN SUPPORT OF PLAINTIFF'S MOTION FOR RECONSIDERATION and REQUESTING LEAVE TO AMEND COMPLAINT. Consult counsel.	0.40 370.00/hr	148.00
	MO DNR		
1/7/2014	MKW Review ORDER denying motion to reconsider and for leave to file an amended complaint. Consult co-counsel.	1.20 370.00/hr	444.00
	MO DNR		
2/4/2014	MKW Receive and Review draft of our NOTICE OF APPEAL. Filing fee \$ 505, receipt number 0866-3824956. Consult co-counsel.	0.20 370.00/hr	74.00
	MO DNR		
2/5/2014	MKW Review docket entry re TRANSMISSION of Notice of Appeal to 8th Circuit via electronic mail. Review media release on appeal. Consult co-counsel.	0.30 370.00/hr	111.00
	MO DNR		
2/6/2014	MKW Review email from Dallas Pymm, ADF re media release on filing the appeal.	0.10 370.00/hr	37.00
	MO DNR		
2/24/2014	MKW Prepare and file entry of appearance in CA8. Review appearances by co-counsel.	0.30 370.00/hr	111.00
	MO DNR		
2/25/2014	MKW Review corporate disclosure filed by ADF in CA8	0.20 370.00/hr	74.00
	MO DNR		
3/10/2014	MKW Review our MOTION to extend time to file our brief until 05/02/2014, Notice of docket modification. CLERK ORDER: Granting in part motion for extension of time to file brief filed by Mr. Erik William Stanley, Mr. Joel Lee Oster and Mr. Michael K Whitehead. Brief of Trinity Lutheran Church due 04/23/2014. Appendix due on 04/23/2014. Contact co-counsel.	0.40 370.00/hr	148.00
	MO DNR		
3/14/2014	MKW Review ELECTRONIC TRANSCRIPT of Oral Argument held September 19, 2013 Number of pages: 25. Read through transcript. Notes to file.	0.50 370.00/hr	185.00
	MO DNR		
3/21/2014	MKW Receive and review ENTRY of APPEARANCE filed by James R. Layton for State, Consult with counsel.	0.10 370.00/hr	37.00
	MO DNR		
3/24/2014	MKW Review APPEARANCE of additional for Appellee Ms. Sara Parker Pauley. Consult with counsel.	0.20 370.00/hr	74.00
	MO DNR		

		<u>Hrs/Rate</u>	<u>Amount</u>
4/21/2014	MKW Receive and review draft of our appeal brief. Work on drafting and revising of brief. Forward suggested edits to co-counsel. Consult with counsel.	1.30 370.00/hr	481.00
4/23/2014	MO DNR MKW Attn to submitting APPELLANT brief of Trinity Lutheran Church for review by 8CA clerk Check docket.	0.30 370.00/hr	111.00
4/28/2014	MO DNR MKW Follow up to insure filing of addendum of APPELLANT BRIEF.	0.10 370.00/hr	37.00
5/6/2014	MO DNR MKW Telephone call from Eric Rassbach re request to file amicus brief. Consent granted. Attention to brief filed by The Becket Fund for Religious Liberty. Read brief, notes to file. Consult co-counsel.	0.50 370.00/hr	185.00
5/7/2014	MO DNR MKW Review entry of appearance by Eric Baxter and brief filed by The Becket Fund for Religious Liberty	0.10 370.00/hr	37.00
5/20/2014	MO DNR MKW Receive and review motion for extension on brief due date by MO AG.	0.10 370.00/hr	37.00
5/22/2014	MO DNR MKW Review CLERK ORDER:Granting motion for extension of time to MO AG to file its respondent's brief	0.10 370.00/hr	37.00
6/17/2014	MO DNR MKW Review CLERK ORDER:giving a deficiency notice to MO AG about its brief.	0.10 370.00/hr	37.00
6/18/2014	MO DNR MKW Receive and read brief filed by Mo AG. Consult and coordinate with co-counsel.	0.60 370.00/hr	222.00
6/19/2014	MO DNR MKW Email from ACLU asking for consent to file amicus. Consult co-counsel.	0.10 370.00/hr	37.00
6/20/2014	MO DNR MKW Email to ACLU granting consent to file amicus. Consult co-counsel.	0.10 370.00/hr	37.00
6/25/2014	MO DNR MKW Receive and read ACLU amicus brief. Memo to file.	0.50 370.00/hr	185.00
6/30/2014	MO DNR MKW Review notice of screening of case for oral argument. Review CLERK ORDER:Granting motion for extension of time to file reply brief	0.20 370.00/hr	74.00
	MO DNR		

		<u>Hrs/Rate</u>	<u>Amount</u>
7/7/2014	MKW Receive and review draft of proposed reply brief from ADF. Drafting suggested edits.	0.50 370.00/hr	185.00
	MO DNR		
7/9/2014	MKW Attention to filing of REPLY brief of Trinity Lutheran Church submitted for review.	0.20 370.00/hr	74.00
	MO DNR		
7/10/2014	MKW Deficiency notice re REPLY brief of Trinity Lutheran Church submitted for review. Consult with counsel re correction.	0.20 370.00/hr	74.00
	MO DNR		
7/16/2014	MKW Final REPLY brief of Trinity Lutheran Church submitted for review.	0.20 370.00/hr	74.00
	MO DNR		
7/23/2014	MKW Corrected certificate of service for Reply Brief by TLC.	0.20 370.00/hr	74.00
	MO DNR		
12/12/2014	MKW Check docket for notice of argument setting. CASE PLACED ON CALENDAR - for a Special Session to be held at the Missouri Court of Appeals in St. Louis on Thursday, January 15, 2015. To be heard before Judges James B. Loken, Michael J. Melloy and Raymond W. Gruender in Room 304. Attention to file and to calendar. Consult with counsel.	0.20 370.00/hr	74.00
	MO DNR		
1/5/2015	MKW Contact co-counsel to discuss oral argument and to plan for moots.	0.20 370.00/hr	74.00
	MO DNR		
1/7/2015	MKW Review entries for argument, and notice of reduced arg time to 15 minutes per side.	0.30 370.00/hr	111.00
	MO DNR		
1/8/2015	MKW Prepare for moot. Review pleadings, briefs, orders, etc.	2.00 370.00/hr	740.00
	MO DNR		
1/9/2015	MKW Attend and participate in moot at ADF offices in Olathe with Joel Oster, Erik Stanley and David Cortman online.	2.20 370.00/hr	814.00
	MO DNR		
	MKW To ADF office in Olathe to participate in moot court. (1.0 hour reduced to .2 to avoid duplication.)	0.20 370.00/hr	74.00
	MO DNR		
5/29/2015	MKW Review JUDGMENT FILED - The judgment of the Originating Court is AFFIRMED in accordance with the opinion.. JAMES B. LOKEN, MICHAEL J. MELLOY and dissent by RAYMOND W. GRUENDER. Read opinions.	1.50 370.00/hr	555.00
	MO DNR		

		<u>Hrs/Rate</u>	<u>Amount</u>
6/9/2015	MKW Review MOTION for extension of time to file petition for rehearing until 06/26/2015, CLERK ORDER:Granting motion for extension of time. Consult counsel.	0.20 370.00/hr	74.00
6/23/2015	MO DNR MKW Receive draft of brief for en banc rehearing. Work on drafting and revising of suggested edits to rehearing brief. Email draft and suggestions to co-counsel	0.50 370.00/hr	185.00
6/24/2015	MO DNR MKW Continue to work on drafting and revising of suggested edits to rehearing brief. Email to co-counsel	1.20 370.00/hr	444.00
6/26/2015	MO DNR MKW Review PETITION for en banc rehearing and also for rehearing by panel, filed by Appellant TLC.	0.30 370.00/hr	111.00
7/14/2015	MO DNR MKW Review JUDGE's ORDER seeking a response by State: A petition for rehearing has been filed by the Appellant Trinity Lutheran Church in the above case. The court requests a response to the petition for rehearing en banc. The response is limited to fifteen pages and should be filed electronically. Response due on 07/24/2015 by State.	0.20 370.00/hr	74.00
7/25/2015	MO DNR MKW Review State's RESPONSE BRIEF in opposition to our petition for en banc rehearing.	0.60 370.00/hr	222.00
8/11/2015	MO DNR MKW Review JUDGE ORDER: The petition for rehearing en banc is denied by an equally divided court. The petition for panel rehearing is also denied. Judges Riley, Smith, Colloton, Gruender and Shepherd would grant rehearing en banc.	0.90 370.00/hr	333.00
10/30/2015	MO DNR MKW Receive and read draft of Petition for WRIT OF CERTIORARI. Consult with co-counsel.	0.50 370.00/hr	185.00
11/4/2015	MO DNR MKW Attention to filing of Petition for WRIT OF CERTIORARI in SCOTUS. Supreme Court Case Number: 15-577.	0.60 370.00/hr	222.00
11/13/2015	MO DNR MKW Read / study petition for WRIT OF CERTIORARI filed on 11/4/15 in SCOTUS.	0.60 370.00/hr	222.00
11/24/2015	MO DNR MKW Review requests for consent to file amicus briefs.	0.30 370.00/hr	111.00
	MO DNR		

		<u>Hrs/Rate</u>	<u>Amount</u>
1/15/2016	MKW Review notice of grant of certiorari by SCOTUS. Online research. Contact and discussions with co-counsel	0.50 370.00/hr	185.00
	MO DNR		
2/13/2016	MKW Review reports of Justice Scalia's death. Consult with counsel.	0.30 370.00/hr	111.00
	MO DNR		
2/19/2016	MKW Attention to impact of Justice Scalia's death. Consult with co-counsel.	0.50 370.00/hr	185.00
	MO DNR		
3/17/2016	MKW Attention to docket regarding filing of blanket consent for amicus briefs by petitioner.	0.10 370.00/hr	37.00
	MO DNR		
3/30/2016	MKW Contact from Gibson Dunn counsel for Assoc of Christian Schools Intl and Mo Synod Lutherans asking consent to file amicus brief. Email granting consent. Email to/from Jim Layton also consenting.	0.20 370.00/hr	74.00
	MO DNR		
4/1/2016	MKW Email to Dave Cortman and other counsel to discuss amicus calls, and to discuss other factual history, and client contacts.	0.30 370.00/hr	111.00
	MO DNR		
4/12/2016	MKW Receive and review draft of merits brief from co-counsel, EWS. Edits to brief. Discuss with co-counsel. Forward suggestions to co-counsel. Also sent to JRW.	1.30 370.00/hr	481.00
	MO DNR		
4/13/2016	MKW Continue to work on drafting and revising of edits to brief. Forward suggestions to co-counsel.	1.70 370.00/hr	629.00
	MO DNR		
4/14/2016	MKW Attention to docket regarding filing of Merits brief and Joint Appendix in SCOTUS.	0.20 370.00/hr	74.00
	MO DNR		
4/18/2016	MKW Receive and review amicus brief of World Vision, Inc.	0.30 370.00/hr	111.00
	MO DNR		
4/19/2016	MKW Receive and review amicus brief of American Center for Law and Justice.	0.30 370.00/hr	111.00
	MO DNR		
4/20/2016	MKW Receive and review amicus briefs of Union of Orthodox Jewish Congregations of America, and Justice and Freedom Fund	0.60 370.00/hr	222.00
	MO DNR		
	MKW Receive and review amicus briefs of American Jewish Committee, The Becket Fund, ERLC, ACSI and LCMS; Bronx Household of Faith; IRFA; AACCS; Members of Congress; CCCU, et al; Institute for Justice; Douglas Co. School District; NAE; Pacific Legal Foundation; Assemblies of God; Belmont Abbey College; Cato Institute; Christian Legal Society; US Conf of Catholic Bishops; Liberty Counsel;	1.00 370.00/hr	370.00

		<u>Hrs/Rate</u>	<u>Amount</u>
	Wallbuilders, Inc. and other amici in support of Petitioners. (4.5 hours reduced to 1 to avoid duplication.)		
6/28/2016	MO DNR MKW Receive and review Merits brief from Respondent Mo AG. (1.5 hours reduced to .5 hr to avoid duplication)	0.50 370.00/hr	185.00
7/5/2016	MO DNR MKW Receive and review amicus briefs in support of Respondent, including: ACLU, Religious & Civil Rights organizations; Legal and religious historians; Baptist Joint Committee and General Synod of United Church of Christ; Lambda Legal Defense and Education Fund; National Education Assoc. (5 hours reduced to 1.5 hour to avoid duplication)	1.50 370.00/hr	555.00
7/22/2016	MO DNR MKW Discuss briefing schedule with co-counsel. Review application to file a reply brief on Aug 12, 2016.	0.20 370.00/hr	74.00
7/25/2016	MO DNR MKW Contact co-counsel re reply brief	0.20 370.00/hr	74.00
	MO DNR MKW Receive and review notice of order by Justice Alito granting extension of time to file reply brief until August 12.	0.20 370.00/hr	74.00
8/1/2016	MO DNR MKW Receive and review draft of reply brief. Work on drafting /revising of suggested edits to reply brief. Consult with co-counsel.	0.80 370.00/hr	296.00
8/10/2016	MO DNR MKW Continue to work on drafting /revising of edits to reply brief. Review JRW's proposed edits and email to Erik.	0.90 370.00/hr	333.00
8/12/2016	MO DNR MKW Attention to filing of REPLY brief with SCOTUS. Check docket to confirm filing.	0.20 370.00/hr	74.00
9/27/2016	MO DNR MKW Email to/from co-counsel in DC office regarding possible meetings in December to review final strategy depending upon election results and appointment/confirmation of a new justice.	0.30 370.00/hr	111.00
10/10/2016	MO DNR MKW Prepare for and speak in classroom presentation at local college for Supreme Court judge and former deputy solicitor general. Conference with attorneys at breakfast about legal issues. Discussion with co-counsel about legal issues raised in meetings. (4 hours reduced to 1 hour to allow for non-litigation aspect) Contact from ADF DC office regarding meetings in DC on December 5.	1.00 370.00/hr	370.00
	MO DNR		

		<u>Hrs/Rate</u>	<u>Amount</u>
10/12/2016	MKW Email to ADF legal team regarding contacts from KC Star re media inquiries. Discussion of legal issues being raised through opposing interviewee, and how to respond. (.5 hour reduced to .1 to avoid duplication and to allow for media aspect.)	0.10 370.00/hr	37.00
10/14/2016	MO DNR MKW Email to Kerri Kupec regarding contacts from KC Star and RNS. Call from Kerri Kupec ADF attorney re media inquiries. Email to/from client to arrange for meeting. (1 hr. reduced to .2 to avoid duplication and to allow for media aspects.)	0.20 370.00/hr	74.00
10/18/2016	MO DNR MKW Email from Kerri Kupec regarding interviews tomorrow by KC Star and RNS. Email to/from clients regarding logistics. (1 hr. reduced to .1 to avoid duplication and to allow for media aspects)	0.10 370.00/hr	37.00
10/19/2016	MO DNR MKW Call to/from Kerri Kupec, ADF attorney. Meeting with clients and Rick Montgomery. Follow up with co-counsel about media reports. (2 hours reduced to .5 to avoid duplication.)	0.50 370.00/hr	185.00
	MO DNR MKW Travel to Columbia Mo and return to meet with clients and to meet with media. (4.5 hours reduced to 1 to avoid duplication.)	1.00 370.00/hr	370.00
10/20/2016	MO DNR MKW Call to/from Kerri Kupec, ADF attorney. Follow up with co-counsel about media reports after review of print and video coverage. (1 hr reduced to .2 to allow for media aspects)	0.20 370.00/hr	74.00
12/1/2016	MO DNR MKW Meeting with co-counsel in DC to discuss political situation, confirmation prospects, and possible argument dates. (3.0 hours, reduced to 1 hr to avoid duplication)	1.00 370.00/hr	370.00
	MO DNR MKW Travel by air to and from DC to meeting with co-counsel at ADF DC office to discuss political situation, confirmation prospects, and possible argument dates. 8.0 hours round trip, much of which was used reading case materials and other articles relevant to case. (Time billed is reduced to 1 hr to avoid duplication and to reflect proportion of trip spent on this case as opposed to other legal matters.)	1.00 370.00/hr	370.00
1/31/2017	MO DNR MKW Attention to nomination of Neil Gorsuch for Supreme Court Justice. Attention to file.	0.10 370.00/hr	37.00
2/1/2017	MO DNR MKW Research and analysis of background and positions on First Amendment cases for Judge Gorsuch. Consult with co-counsel..	0.80 370.00/hr	296.00
	MO DNR		

		<u>Hrs/Rate</u>	<u>Amount</u>
2/10/2017	MKW Consult with co-counsel about confirmation prospects and about MO AG advocate, whether John Sauer is likely to argue or not, based on story in St. Louis Post Dispatch.	0.10 370.00/hr	37.00
	MO DNR		
2/17/2017	MKW Notice of April sitting, oral argument set for April 19, 2017.	0.10 370.00/hr	37.00
	MO DNR		
3/16/2017	MKW Consult with co-counsel re logistics for argument. Jonathan will sit at counsel table, and MKW will sit behind counsel table in bar section. Jim Layton will argue for Mo AG	0.20 370.00/hr	74.00
	MO DNR		
3/21/2017	MKW Consult with co-counsel re logistics for argument. Moot court preparations. Receive documents for final preparations.	0.20 370.00/hr	74.00
	MO DNR		
3/28/2017	MKW Consult with co-counsel EWS and JRW re logistical planning for moots and argument week.	0.30 370.00/hr	111.00
	MO DNR		
4/11/2017	MKW Review Petitioner's brief. Telephone call to JRW to discuss moot court session at Georgetown. Discuss reporter's questions about prior provision of surfacing to churches. (2.5 hours reduced to 2 to avoid duplication.)	2.00 370.00/hr	740.00
	MO DNR		
4/12/2017	MKW Media call. Research file to answer media question. Interview with Missouri Lawyers Weekly, Scott Lauck, KCMO. ((2.5 hours reduced to 1 to avoid duplication and media nature of call.)	1.00 370.00/hr	370.00
	MO DNR		
4/13/2017	MKW Email re Governor's policy change press release. Attention to governors press release. Internet research. Forward information to lead counsel. Texting lead counsel re governor's change and media coverage. More research and analysis on possible mootness. ((4.0 hours reduced to 1 to avoid duplication.)	1.00 370.00/hr	370.00
	MO DNR		
4/14/2017	MKW Email from clerk of court re order to file letter memo by Tuesday. Attention to research. Internet research on media developments and positions by other parties. Email to/from lead counsel and legal team.	4.50 370.00/hr	1,665.00
	MO DNR		
	MKW Email and phone calls to co-counsel to discuss mootness issue and media calls about the issue. (2 hour reduced to .2 to avoid duplication, and to exclude media interview time).	0.20 370.00/hr	74.00
	MO DNR		
4/15/2017	MKW Continue research and analysis of mootness issue. On research of voluntary cessation doctrine. Investigate facts in record to support voluntary cessation. Examine complaint and prayer for relief with eye	4.50 370.00/hr	1,665.00

		<u>Hrs/Rate</u>	<u>Amount</u>
	to defending against mootness claim.		
4/18/2017	MKW MO DNR Prepare for argument. Review amici briefs. Review media arguments about mootness. Meet with clients.	4.50 370.00/hr	1,665.00
	MKW MO DNR Client conference to prepare for oral argument at dinner meeting, Continue to review amici briefs and issue of mootness. (2.5 hours reduced to .5 to avoid duplication)	0.50 370.00/hr	185.00
4/19/2017	MKW MO DNR Court Oral Argument ((4.5 hours reduced to .5 to avoid duplication.))	0.50 370.00/hr	185.00
	MKW MO DNR Conference. Meet with clients and co-counsel to discuss hearing and prospects for a decision by end of term. (2.5 hours reduced to .5 to avoid duplication.)	0.50 370.00/hr	185.00
5/4/2017	MKW MO DNR Email to /from client and ADF to arrange meeting between clients and Rep Hartzler to discuss issues at hearing.	0.30 370.00/hr	111.00
5/9/2017	MKW MO DNR Meeting with client and Rep Hartzler to discuss issues at hearing. Meeting with client to discuss contacts from public and media since oral argument and how to respond until case is decided. (2 hours reduced to .5 to avoid duplication.)	0.50 370.00/hr	185.00
	MKW MO DNR Travel to and from Columbia Mo to meet with client and Rep Hartzler to discuss facts of case and issues in argument; and to discuss responses to hostile calls after argument. (4.5 hours reduced to 1 to avoid duplication.)	1.00 370.00/hr	370.00
6/26/2017	MKW MO DNR Receive and review court judgment and opinions. Read and analyze judgment. Consult with co-counsel. Contact clients. (3.5 hours reduced to 1 to avoid duplication.)	1.00 370.00/hr	370.00
7/28/2017	MKW MO DNR Attention to Mandate issued by Supreme Court to reverse and remand to 8th Circuit.	0.10 370.00/hr	37.00
8/2/2017	MKW MO DNR 8CA CLERK ORDER: [14-1382] Pursuant to the order of the U.S. Supreme Court, dated June 26, 2017, and the U.S. Supreme Court's mandate of July 28, 2017, this court's judgment, dated May 29, 2015, is vacated, the mandate is hereby recalled, and the case is reopened. Attention to file. Email to co-counsel	0.20 370.00/hr	74.00
	MO DNR		

		<u>Hrs/Rate</u>	<u>Amount</u>
8/3/2017	MKW Review email from 8CA CLERK : [14-1382] JUDGMENT FILED - The Supreme Court of the United States granted Trinity Lutheran Church's petition for a writ of certiorari to review our decision in Trinity Lutheran Church of Columbia, Inc. v. Pauley, 788 F.3d 779 (8th Cir. 2015). The Supreme Court has now reversed our judgment and remanded to this court for further proceedings consistent with the opinion of this Court. Trinity Lutheran Church of Columbia, Inc. v. Comer, 137 S. Ct. 2012 (2017). After further consideration, we reverse the judgment of the district court and remand the case to that court for further proceedings consistent with the Supreme Court's opinion. Mandate shall issue forthwith. JAMES B. LOKEN, MICHAEL J. MELLOY and RAYMOND W. GRUENDER Hrg Jan 2015 Attn to issue of mandate.	0.30 370.00/hr	111.00
8/9/2017	MKW Review email Motion for remand filed by ESW in 8CA to remand to US DC. Review clerk's notice requiring Certificate of Compliance.	0.10 370.00/hr	37.00
8/10/2017	MKW Review email Certificate of Compliance under Rule 27 filed by ESW in 8CA re motion to remand to US DC.	0.20 370.00/hr	74.00
8/11/2017	MKW Review Motion for Bill of Costs filed by ESW in 8CA re motion to remand to US DC.	0.20 370.00/hr	74.00
8/15/2017	MKW Review 8CA order on motion to consolidate and remand. Appellant's motion to consolidate and to remand the issue of attorneys' fees and costs to the district court is granted, and the matter is hereby remanded to the United States District Court for the Western District of Missouri for further proceedings consistent with this order.	0.30 370.00/hr	111.00
8/29/2017	MKW Review Clerk Order re bill of costs. The appellant shall recover costs in the amount of: \$471.95	0.10 370.00/hr	37.00
8/31/2017	MKW Review entry of John Sauer and withdrawal of Jim Layton.	0.10 370.00/hr	37.00
1/19/2018	MKW Work on drafting and revising of declarations for Motion for Attorneys Fees and Costs as to MKW. Review declarations of EWS and JRW. Attention to obtaining independent affidavits. (4.5 hours reduced to 1 to avoid duplication.)	1.00 370.00/hr	370.00
	MO DNR		
SUBTOTAL:		[77.10	28,527.00]

		<u>Hrs/Rate</u>	<u>Amount</u>
	<u>CF</u>		
1/15/2013	CF Open new client file. Attention to coordinating filing in federal court, Kansas City. Contact with Sara Henning, paralegal for ADF.	0.50 100.00/hr	50.00
1/25/2013	CF MO DNR Attention to docket re filing of COMPLAINT. Email from Sara Henning, ADF, re filing and service of process. Attention to filing.	0.40 100.00/hr	40.00
3/28/2013	CF MO DNR Attention to filing PROPOSED SCHEDULING ORDER by Trinity Lutheran Church of Columbia, Inc..	0.20 75.00/hr	15.00
4/4/2013	CF MO DNR Calendar SCHEDULING ORDER: Discovery due by 10/4/2013. Dispositive Motions due by 10/25/2013.	0.20 100.00/hr	20.00
12/3/2013	CF MO DNR Fwd to co-counsel REPLY IN SUPPORT OF PLAINTIFF'S MOTION FOR RECONSIDERATION and REQUESTING LEAVE TO AMEND COMPLAINT.	0.10 100.00/hr	10.00
2/21/2014	CF MO DNR Receive email from 8CA re briefing schedule. Attn to calendar	0.10 100.00/hr	10.00
5/5/2014	CF MO DNR Attention to Paper copies Appellant/Petitioner Brief, filed by Trinity Lutheran Church. 10 paper copies received by clerk's office, w/Addendum attached.	0.90 100.00/hr	90.00
12/12/2014	CF MO DNR Calendar ORAL ARGUMENT - in St. Louis on Thursday, January 15, 2015. To be heard before Judges James B. Loken, Michael J. Melloy and Raymond W. Gruender in Room 304.	0.20 100.00/hr	20.00
4/18/2016	CF MO DNR Receive hard copies of our merits brief. To file and fwd to co-counsel.	0.20 100.00/hr	20.00
	MO DNR		
	SUBTOTAL:	[2.80	275.00]
	For professional services rendered	79.90	\$28,802.00

Additional Charges :

	<u>Amount</u>
<u>MKW</u>	
1/9/2015 MKW Mileage to ADF offices in Olathe for moot.	31.32
MO DNR	
10/19/2016 MKW Mileage to / from Columbia to meet with clients, to discuss media and other contacts with them since the oral argument.	124.20
MO DNR	
4/18/2017 MKW Hotel lodging for MKW and JRW in DC, Hyatt Capitol Hill (Rate was same for 1 or 2 individuals, so no duplication. Also reflects 10% discount arrange by ADF.) Two nights lodging.	828.79
MO DNR	
MKW Meals- Dubliner with JRW and MKW	35.00
MO DNR	
4/20/2017 MKW Meals- Thunder Grill 32.50; Dunkin Donuts 4.41. JRW and MKW	32.51
MO DNR	
MKW Mileage to KCI, MKW and JRW	47.52
MO DNR	
SUBTOTAL:	[1,099.34]
Total costs	<u>\$1,099.34</u>
Total amount of this bill	<u>\$29,901.34</u>
Balance due	<u><u>\$29,901.34</u></u>